

REMARKS

Claims 1-20 are pending in the above-identified application. Claim 9 has been cancelled. Claims 1 through 20 were rejected under 35 U.S.C. §102(e) for being anticipated both by Palermo et al. (U.S. Patent 6,228,863 B1) and Kaiko et al. (U.S. Patent 6,277,384 B1). Applicant respectfully traverses the rejection. Applicant has incorporated claim 9 into independent claims 1 and 11.

The Palermo and Kaiko references were discussed during an interview with examiner Humera Sheikh and primary examiner Dr. Kishore Gollamudi on January 22, 2004. Primary examiner Gollamudi expressed his view that the entire capsule is coated in the Palermo and Kaiko references, and that it is possible to interpret that such a coating covers both an agonist and an antagonist, and thus the antagonist is covered by a coating.

Applicant pointed out that neither the Palermo nor Kaiko references disclose providing a coating separately for the antagonist. In the present invention, the antagonist is coated with a substance that does not permit the antagonist to be orally available unless the coating is removed due to crushing or chewing. Dependent claim 9, now cancelled, more specifically claimed the separate coating of the antagonist. Primary Examiner Gollamudi suggested incorporating the limitations of dependent claim 9 into independent claims 1 and 11. Applicant has amended the claims to more particularly point out this patentable difference and believes the claims to now be in allowable form.

Conclusion

In summary, Applicant respectfully submits that claims 1-20 as originally submitted and as currently amended, are clearly allowable for the reasons stated herein and therefore request such allowance.

If the Examiner believes a telephone conference with Applicant's attorney would expedite or conclude prosecution of this application, he is cordially invited to contact Applicant's attorney by telephone at the below-listed number.

Appl. No. 09/943,072

Attorney Docket No. LIDR5001JL

Amdt. dated March 1, 2004

Reply to Office Action of October 28, 2003

A request for a 1-month extension of time and requisite fee are submitted herewith, extending the response date from January 28, 2004 to February 28, 2004.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Joshua L. Price
Reg. No. 50,766
Attorney for Applicant

Customer No. 029889
919/683-5514
Dated: March 1, 2004